

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE MOORE,

Plaintiff,

-against-

MANHATTAN DISTRICT ATTORNEYS
OFFICE,

Defendant.

19-CV-11602 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated at Mid-State Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, asserting claims against the Manhattan District Attorney's Office in connection with Plaintiff's criminal proceedings in New York County. For the following reasons, the complaint is dismissed.

Plaintiff has previously submitted to this Court a substantially similar complaint against the Manhattan District Attorney's Office, arising from the same criminal proceedings. That case is pending before me under ECF 1:19-CV-08940 (CM).¹ Because this complaint asserts claims against the same party and arises out of the same criminal proceedings, no useful purpose would be served by the filing and litigation of this duplicate lawsuit.² Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 1:19-CV-08940 (CM).

¹ Plaintiff also brought a prior action against the Manhattan District Attorney that was dismissed as frivolous. *Moore v. New York City District Attorney's Office*, ECF 1:18-CV-06212 (LLS) (S.D.N.Y.).

² If Plaintiff seeks to modify the claims that he is asserting against the Manhattan District Attorney in ECF 1:19-CV-08940 (CM), he can do so in that action to the extent that Rule 15 of the Federal Rules of Civil Procedure permit him to do so.

The Clerk of Court is directed to assign this matter to mail a copy of this order to Plaintiff, and note service on the docket. Plaintiff's complaint is dismissed as duplicative.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: December 19, 2019
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge